



3500.015346.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: B. Yenke
SHUNTARO ARATANI, et al.)
: Group Art Unit: 2614
Application No.: 09/852,612)
: **RECEIVED**
Filed: May 11, 2001) **NOV 03 2004**
: **Technology Center 2600**
For: DISPLAY APPARATUS) October 26, 2004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136(a)
AND
PETITION FOR WAIVER OF EXTENSION FEES DUE TO PTO DELAYS

Sir:

Applicants petition the Commissioner for Patents to extend the time for response to the Office Action dated April 26, 2004 for three months from July 26, 2004 to October 26, 2004.

While Applicants are submitting herewith a check for \$980.00 to cover the fee for the extension under 37 C.F.R. § 1.17, it is respectfully requested that the Patent

11/02/2004 MGBREM1 00000096 09852612

02 FC:1253

980.00 DP

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

October 26, 2004

(Date of Deposit)

Edward A. Kmett (Reg. No. 42,746)

(Name of Attorney for Applicant)



Signature

October 26, 2004

Date of Signature

Office waive the extension fee and refund the foregoing amount due to significant Patent Office processing delays as set forth below.

In this regard, Applicants filed a Request For New Office Action on May 18, 2004 requesting that the Examiner issue a new Office Action due to errors contained therein and requesting that the period for reply be reset. A copy of a postcard receipt bearing a Patent Office mailroom stamp dated May 18, 2004 is attached hereto as Exhibit 1.

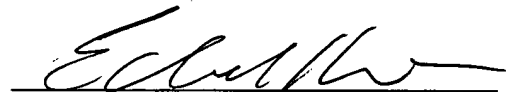
Subsequent to filing the foregoing Request and as of the present date, Applicants have not received a response to the foregoing Request. Applicants' undersigned representative has reviewed the Patent Office's PAIR system to determine whether the Request had been entered and processed, but learned that the PAIR system did not include an indication that the Request has been entered. As of today's date, the Request still has not been entered into the Patent Office's PAIR system. A printout of the PAIR contents as of today's date is attached hereto as Exhibit 2.

On several occasions, and at least as early as July 26, 2004, Applicants' undersigned representative contacted Examiner Brian Yenke to determine the status of the Request. Examiner Yenke informed Applicants' representative that the papers had apparently been matched with the file and were being processed for IFW. However, Examiner Yenke was unable to determine why the Request had not been entered into PAIR, or why there was such a significant delay in processing the Request. Examiner Yenke indicated that he would request that the file be forwarded to him so he could review the request and provide Applicants with a status. Apparently, Examiner Yenke never received the application file and to date, Applicants have not received a status of their Request.

As a result of a nearly 5 1/2 month delay in Patent Office processing, Applicants have been forced to file the present Petition For Extension Of Time and to unjustly pay extension fees. As such, Applicants request that the Patent Office waive the extension fees and that a refund of the \$980.00 being submitted concurrently herewith be applied to Deposit Account No. 06-1205. It is not believed that any fees are due for the Petition to waive fees, but in the event any such fees are deemed necessary, they should be charged to the foregoing deposit account.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Edward A. Kmett', is written over a horizontal line.

Attorney for Applicants
Edward A. Kmett
Registration No. 42,746

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
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CA_MAIN 87948v1

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date 05.18.04
Mo. Day Yr.
Atty. Docket 03500-015346
Application No. 09/852,102

Sir:

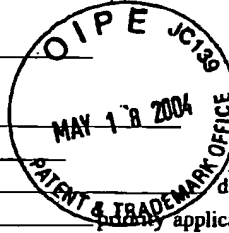
Kindly acknowledge receipt of the accompanying:

- ☐ Response to Official Action. _____
- ☐ Check for \$ _____ (claims fee)
- ☐ Petition under 37 CFR 1.136 and Check for \$ _____
- ☐ Notice of Appeal and Check for \$ _____
- ☐ Information Disclosure Statement, PTO-1449 and _____ documents
- ☐ Claim for priority and certified copies of _____ applications
- ☐ Issue fee transmittal and Check for \$ _____
- ☒ Other (specify) Post For New Office Action

by placing your receiving date stamp hereon and returning to deliverer.

Atty. EAF/mhDue Date 07.26.04

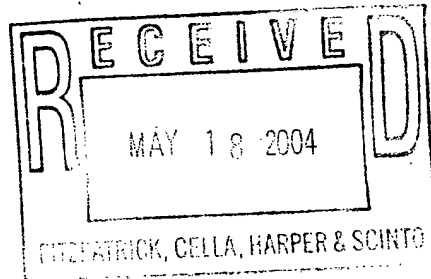
Mo. Day Yr.



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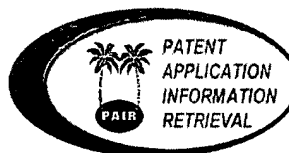
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PATENT APPLICATION INFORMATION RETRIEVAL

Search results as of: 10-26-2004::18:5:28 E.T.

Search results for application number: 09/852,612			
Application Number:	09/852,612	Customer Number:	5514
Filing or 371(c) Date:	05-11-2001	Status:	Final Rejection Mailed
Application Type:	Utility	Status Date:	04-23-2004
Examiner Name:	YENKE, BRIAN P	Location:	TECHNOLOGY CENTER
Group Art Unit:	2614	Location Date:	09-08-2004
Confirmation Number:	5348	Earliest Publication No:	US 2002-0051083 A1
Attorney Docket Number:	35.C15346	Earliest Publication Date:	05-02-2002
Class/ Sub-Class:	348/552	Patent Number:	-
First Named Inventor:	Shuntaro Aratani, Tokyo, (JP)	Issue Date of Patent:	-
Title Of Invention:	Display apparatus		

Search Options

Assignments
Display References
Foreign Priority
Publication Review
Published Documents

File History	
Date	Contents Description
04-26-2004	Mail Final Rejection (PTOL - 326)
04-21-2004	Final Rejection
02-25-2004	Date Forwarded to Examiner
02-17-2004	Response after Non-Final Action
11-12-2003	Mail Non-Final Rejection
11-03-2003	Non-Final Rejection
08-04-2003	Case Docketed to Examiner in GAU
01-24-2002	Case Docketed to Examiner in GAU
08-09-2001	Request for Foreign Priority (Priority Papers May Be Included)
11-14-2001	Case Docketed to Examiner in GAU
10-04-2001	Application Dispatched from OIPE
10-04-2001	Application Is Now Complete

07-05-2001	Notice Mailed--Application Incomplete--Filing Date Assigned
07-05-2001	Correspondence Address Change
05-16-2001	IFW Scan & PACR Auto Security Review
05-11-2001	Initial Exam Team nn